

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

FRANK DOMINIC DUNDEE,)	Case No. 1:19cv1141
)	
Plaintiff,)	Judge Dan Aaron Polster
)	
v.)	Magistrate Judge Jonathan D. Greenberg
)	
DANIALLE LYNCE, et al.,)	
)	<u>CASE MANAGEMENT CONFERENCE</u>
Defendants.)	<u>SCHEDULING ORDER</u> (as revised 8/8/2017)

DATE OF HEARING: Thursday, September 19, 2019, at 10:00 a.m.

This case is subject to the provisions of Rule 16 of the Local Rules of the Northern District of Ohio entitled Differentiated Case Management (DCM). Counsel and/or the parties are expected to familiarize themselves with the Local Rules as well as with the Federal Rules of Civil Procedure. The Court shall evaluate this case in accordance with Rule 16 and assign it to one of the case management tracks described in L.R. 16.2(a)(2). Each of the tracks (expedited, standard, complex, mass tort, and administrative) has its own set of guidelines and time lines governing discovery practice, motion practice, and for trial. Discovery shall be guided by L.R. 26.1, *et seq.* Motion practice shall be guided by L.R. 7.1, *et seq.* The Case Management Conference is of vital importance to the Court, counsel, and the parties. **The Court requests that counsel and/or the parties read this Order with care and comply exactly with its directives. Lead counsel is personally responsible for complying with this order.**

ELECTRONIC FILING

Electronic filing is mandatory in the Northern District of Ohio. Counsel are advised that all documents, notices and orders in this matter be filed electronically, except as provided for in the Electronic Filing Policies and Procedures Manual, a copy of which is available on the Court's electronic case files web site at <http://ecf.ohnd.uscourts.gov>. Also, the Clerk's Office has established an Electronic Filing Help Desk at 1-800-355-8498 to answer questions and provide assistance should difficulties arise.

Only counsel of record will be notified of court proceedings. Only counsel of record will be notified of court proceedings. Moreover, both counsel and *pro se* litigants have an affirmative duty to notify the Court of any change in address and/or other contact information. Counsel shall follow the instructions for updating contact information via the procedures set forth on this Court's public website. See Attorney Registration Change of Name/Address instructions set forth at www.ohnd.uscourts.gov. *Pro se* litigants shall file a written notice of change of address with the Court.

SCHEDULING OF CASE MANAGEMENT CONFERENCE

All counsel and/or parties will take notice that the above-entitled action has been set for a Telephonic Case Management Conference ("CMC") on **Thursday, September 19, 2019, at a.m., before Magistrate Judge Jonathan D. Greenberg.** Lead counsel and all *pro se* litigants shall participate in the CMC. Dial-in information shall be provided via separate email to counsel and via mail to *pro se* litigants.

TRACK RECOMMENDATION

Pursuant to LR 16.3(a), and subject to further discussion at the CMC, the Court recommends the following track:

<input type="checkbox"/> Expedited	<input type="checkbox"/> Standard	<input type="checkbox"/> Administrative
<input type="checkbox"/> Complex	<input type="checkbox"/> Mass Tort	<input checked="" type="checkbox"/> Reserved for CMC

PREPARATION FOR CMC BY COUNSEL

(Planning Conference under Fed. R. Civ. P. 26(f))

The general agenda for the CMC is set by LR 16.3(b)(2). Counsel for the plaintiff shall arrange with opposing counsel for the meeting of the parties as required by Fed. R. Civ. P. 26(f) and LR 16.3(b)(3). A report of this planning meeting shall be jointly signed and submitted to the Clerk for filing not less than five (5) business days before the CMC. The report shall be in a form substantially similar to Attachment 1.

DISCLOSURES UNDER FED. R. CIV. P. 26(a)

Rule 26(a) of the Federal Rules of Civil Procedure mandates a series of required disclosures by counsel in lieu of discovery requests unless otherwise stipulated or directed by order of the Court or by local rule.

In the above-entitled case, Rule 26(a) shall apply as follows:

All disclosures mandated by Fed. R. Civ. P. 26(a) shall apply, including Initial Disclosures (Fed. R. Civ. P. 26(a)(1)), Disclosure of Expert Testimony (Fed. R. Civ. P. 26(a)(2)), and Pretrial Disclosures (Fed. R. Civ. P. 26(a)(3)).

FORMAL DISCOVERY STAYED UNTIL CMC

The moratorium on formal discovery prior to the Rule 26(f) conference, set forth in Fed. R. Civ. P. 26(d), is hereby extended until **after** the CMC. Therefore, prior to the CMC, no party or counsel shall conduct any formal discovery except as is necessary and appropriate to support or defend against any challenge to jurisdiction or claim for emergency, temporary, or preliminary relief. This moratorium in no way affects the disclosures required by Fed. R. Civ. P. 26(a).

FILING OF DISCOVERY MATERIALS

(Fed. R. Civ. P. 5(d))

Unless otherwise ordered by the Court, disclosures under Fed. R. Civ. P. 26(a)(1) or (2) and the following discovery requests shall not be filed with the Clerk's Office until they are used in a proceeding or this Court orders filing: (1) depositions; (2) interrogatories; (3) requests for documents or to permit entry upon land; and (4) requests for admission.

If a party intends to rely on deposition testimony in support of its position on a motion, the Court prefers the filing of the entire deposition rather than excerpts, unless the party truly believes that excerpts are sufficient, and with the proviso that any other party who believes the excerpts offered are not sufficient is free to file the entire deposition. In any event, discovery

and disclosure material submitted in support of any party's position shall be filed at the same time as that party's memorandum setting forth its position.

DEPOSITIONS PRACTICE

The Judges of the Northern District of Ohio have adopted LR 30.1 (as amended 9/23/02) which governs the taking of depositions. A copy of the rule is attached (See Attachment # 2). Counsel are expected to comply with the rule in its entirety.

OTHER DIRECTIVES

In all cases in which it is anticipated that a party or parties will seek attorney's fees pursuant to statutory or case-law authority, such party shall file with the Court at or prior to the CMC a preliminary estimate and/or budget of the amount of fees and expenses anticipated to be the subject of any such claim. Such estimate shall include, but not be limited to, the following:

Attorney's Fees

Preliminary Investigations & Filing of Complaint	\$ _____
Procedural Motions Practice	\$ _____
Discovery	\$ _____
Dispositive Motions Practice	\$ _____
Settlement Negotiations	\$ _____
Trial	\$ _____
TOTAL FEES	\$ _____

Costs

Depositions	\$ _____
Experts	\$ _____
Witness Fees	\$ _____
Other	\$ _____
TOTAL COSTS	\$ _____

RESOLUTION PRIOR TO CMC

In the event that this case is resolved prior to the CMC, counsel should submit a jointly signed stipulation of settlement or dismissal, or otherwise notify the Court that the same is forthcoming.

IT IS SO ORDERED.

August 16, 2019
Date

s/ Jonathan D. Greenberg
Jonathan D. Greenberg
United States Magistrate Judge